

1-14-11  
2:20

## VERDICT FORM

When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions.

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this Court as our verdict in this case.

### GLENMARK'S DEFENSES

(1) Has Glenmark proved by clear and convincing evidence that the subject matter of claim 3 of the '244 patent would have been obvious as of October 1986 to a person of ordinary skill in the art?

Yes (for Glenmark) ☐ No (for Abbott and Sanofi-Aventis) ☒

(2) Has Glenmark proved by clear and convincing evidence that the subject matter of claim 3 of the '244 patent is invalid for obviousness-type double patenting over claim 4 of the '910 patent?

Yes (for Glenmark) ☐ No (for Abbott and Sanofi-Aventis) ☒

If you answered NO to question (1) above, you must answer the questions below.

If you answered YES to question (1) above, you should not answer the questions below; instead, proceed to the end of the verdict form and follow the instructions there.

## DAMAGES

### Lost Profits

(3) Have Abbott and Sanofi-Aventis proved by a preponderance of the evidence that they are entitled to lost profits as a result of Glenmark's sales of its infringing generic Tarka products?

Yes (for Abbott and Sanofi-Aventis) ☒ No (for Glenmark) ☐

If you answered YES to question (3), proceed to question (4) and answer only questions (4), (5), and (6). If you answered NO to question (3), skip questions (4), (5), and (6) and proceed to question (7).

(4) What is the amount of lost profits to which Abbott is entitled?

\$ 15,200,000

### Price Erosion

(5) Have Abbott and Sanofi-Aventis proved by a preponderance of the evidence that if there had been no infringement by Glenmark, Abbott would have been able to charge higher prices for Tarka?

Yes (for Abbott and Sanofi-Aventis) ☒ No (for Glenmark) ☐

(6) If you answered YES to question (5), what is the amount of price erosion damages to which Abbott is entitled?

\$ 803,514

**Reasonable Royalty**

(7) If you answered NO to question (3), what is the amount of reasonable royalty damages to which Abbott is entitled?

\$ \_\_\_\_\_

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The Presiding Juror should then sign and date the verdict form in the spaces below and notify the Security Guard that you have reached a verdict. The Presiding Juror should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

Presiding Juror



Date

